

Application No. 10/643,404
Amendment dated December 22, 2006
Reply to Office Action dated September 26, 2006

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Docket No.: 59753(48185)

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REMARKS

Claims 1, 4, and 5 are pending in the instant application. Claims 2 and 3 stand cancelled. Claim 1 has been amended to more clearly delineate the instant invention. No new matter is introduced by these amendments.

Applicants make these amendments without prejudice to pursuing the original subject matter of this application in a later filed application claiming benefit of the instant application, including without prejudice to any determination of equivalents of the claimed subject matter.

Rejection under 35 U.S.C. § 112, first paragraph

Claims 1, 4, and 5 are rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for treating the restenosis or neointimal formation caused by percutaneous transluminal coronary angioplasty (PTCA) or a coronary-artery bypass graft (CABG) with 3-methyl-1-phenyl-2-pyrazolin-5-one, allegedly does not provide reasonable enablement for the term "prevention and/or therapy wall injury."

Applicants traverse but have amended claim 1 to remove the terms "prevention" and "preventively." The rejection is thus overcome and Applicants request withdrawal of the rejection.

Rejection under 35 U.S.C. § 102(b)

Claims 1, 4, and 5 are rejected as anticipated by Nishi et al. (US 4,857,542). It is alleged that Nishi inherently possesses the prophylactic utility in preventing arterial wall injury, including percutaneous transluminal coronary angioplasty (PTCA), coronary-artery bypass graft (CABG), or restenosis or neointimal formation, as disclosed by Applicants.

Applicants traverse but have amended claim 1 to remove the terms "prevention" and "preventively." The rejection is overcome and Applicants request withdrawal of the rejection.

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In view of the above remarks, Applicants believe the pending application is in condition for allowance. Should any of the claims not be found to be allowable, the Examiner is requested to telephone Applicants' undersigned representative at the number below. Applicants thank the Examiner in advance for this courtesy.

The Director is hereby authorized to charge or credit any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Attorney Docket No. 48185-59753, Customer No. 21874.

Dated: December 22, 2006

Respectfully submitted,

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